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In re Application of FUHRMANN et al
U.S. Application No.: 09/214,158
Int. Application No.: PCT/US97/03984
Int. Filing Date: 12 March 1997
Priority Date: 14 March 1996
Attorney Docket No.: TER-004.2P
For: DATA TRANSMISSION USING ATM
OVER HYBRID FIBER COAX

DECISION

This is in response to applicants' "Response to Requirement for Signed Declaration" filed 17 September 2001, which is being treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 23 December 1998, applicants filed national stage papers with the United States Designated/Elected Office (DO/EO/US). The submission included, *inter alia*, the requisite basic national fee and a declaration signed by two of the three joint inventors and not signed by the remaining inventor Amir Fuhrmann.

On 03 August 1999, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 12 August 1999, applicants filed a petition under 37 CFR 1.47(a), requesting that the present application be accepted for national stage processing without the signature of inventor Fuhrmann.

On 08 March 2000, the PCT Legal Office mailed a decision dismissing the 12 August 1999 petition on grounds that applicants had not demonstrated that a bona fide attempt was made to present a copy of the application papers to Fuhrmann for signature.

On 01 May 2000, applicants filed a renewed petition under 37 CFR 1.47(a).

On 01 December 2000, the PCT Legal Office mailed a decision dismissing the 01 May 2000 petition on grounds that applicants had not submitted an acceptable declaration.

On 19 December 2000, applicants filed a new declaration in response to the 01 December 2000 decision.

On 03 August 2001, the PCT Legal Office mailed a communication which indicated that the declaration filed 19 December 2000 is improper.

On 17 September 2001, applicants filed the present renewed petition along with a new declaration.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Applicants have previously satisfied items (2), (3), and (4) above.

With regard to item (1) above, the declaration filed 17 September 2001 is in compliance with 37 CFR 1.497.

Therefore, applicants have satisfied all the requirements for a petition under 37 CFR 1.47(a).

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is **GRANTED**.

This application has an international filing date of 12 March 1997 and a date under 35 U.S.C. 371 of 17 September 2001.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the DO/EO/US for further processing in accordance with this decision.

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